

W.P.(MD).No.15012 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.15012 of 2019

and

W.M.P.(MD).Nos.11514, 11515 of 2019 & 8051 of 2020

Arulraj

... Petitioner

Vs.

- 1.The Director of Town Panchayats,
Kuralagam,
Chennai-108.
- 2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 3.The District Collector,
Thanjavur District,
Thanjavur.
- 4.The Assistant Director of Town Panchayats,
Tiruchirappalli Zone,
Tiruchirappalli.
- 5.The Assistant Director of Town Panchayats,
Thanjavur Zone,
Thanjavur.
- 6.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the 2nd respondent in his proceedings in Na.Ka.No. 3273 / 2007 / Pe2, dated 15.04.2019 and the consequent order passed by the 3rd respondent in his proceedings in Na.Ka.No.394/19 Peru.1, dated 31.05.2019 and quash the same as illegal and consequent direction may be issued to the respondents 1 to 3 to release all the retirement benefits within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition challenging the charge memo dated 15.04.2019 and the consequential order dated 31.05.2019, withholding the retirement benefits of the petitioner.

2. According to the petitioner, on 19.04.2005, there was an accident taken place within the jurisdiction of the Sengipatti Police Station, wherein, there were persons injured, which culminated into claim petitions in M.C.O.P. Nos.297 and 298 of 2007 on the file of the Motor Accident Claims Tribunal (Sub Court), Chidambaram, wherein, an award has been passed directing the employer of the petitioner to pay compensation to the victims therein. Hence, a

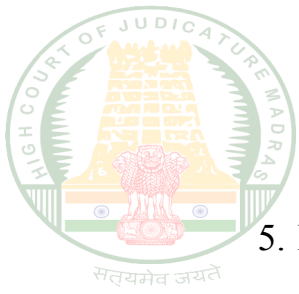


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charge memo was issued for the misconduct of negligence driving and causing accident. Consequently, the petitioner was permitted to retire without prejudice to the disciplinary proceedings and his retirement benefits were withheld by order dated 31.05.2019. Aggrieved over the same, the Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that originally, an FIR was lodged against an unknown person and no allegation was levelled against the writ petitioner herein and subsequently, a final report was filed after investigation, implicating the petitioner as a driver, who caused the accident. The final report has not been taken up for trial, since the same was closed on the ground of limitation. He further submitted that MCOP was also filed by the victims of the accident and they had also stated that the petitioner was not involved in the accident. Hence, the learned counsel prays to quash the charge memo.

4. The learned Additional Government Pleader appearing for the respondents would submit that though an explanation has been given by the petitioner in this regard, the petitioner has approached this Court challenging the charge memo, which is not permissible and seeks for dismissal of the Writ Petition.

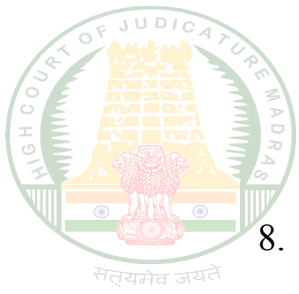


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5. I have considered the submissions made on both sides and perused the materials available on record.

6. Challenge to the charge memo is made only on narrow campus questioning the jurisdiction or any malafide intention. Per contra, there is no such ground made in this Writ Petition and according to the petitioner, the charge memo has been issued by invoking Pension Rules.

7. Admittedly, the petitioner has attained superannuation on 31.05.2019 and while permitting him to retire, the Appointing Authority has made clear that the petitioner was permitted to retire without prejudice to the disciplinary proceedings pending against him. The said order also reveals that proceedings were initiated by indicating that he will be proceeded under Rule 9 of the Tamil Nadu Pension Rules, 1978. Since there is no ground made out, the writ petitioner is not entitled for the relief sought for. However, considering the fact that the Writ Petition is pending from the year 2019 and there was an interim order injuncting the authorities from proceeding with the disciplinary proceedings, there shall be a direction to the appropriate authorities to conclude the enquiry proceedings within a period of three (3) months from the date of receipt of a copy of this order.



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8. Accordingly, the Writ Petition stands dismissed. There shall be no

order as to costs. Consequently, connected miscellaneous petitions are closed.

30.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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Chennai-108.
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K.RAJASEKAR,J.

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